

By: Ashby, Flynn, et al.

H.B. No. 533

Substitute the following for H.B. No. 533:

By: Workman

C.S.H.B. No. 533

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the impoundment of a motor vehicle operated without
3 financial responsibility and involved in an accident or traffic
4 violation; authorizing a fee.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. The heading to Subchapter I, Chapter 601,
7 Transportation Code, is amended to read as follows:

8 SUBCHAPTER I. FAILURE TO MAINTAIN EVIDENCE OF FINANCIAL
9 RESPONSIBILITY; IMPOUNDMENT OF MOTOR VEHICLE FOR MULTIPLE OFFENSES

10 SECTION 2. Chapter 601, Transportation Code, is amended by
11 adding Subchapter I-1 to read as follows:

12 SUBCHAPTER I-1. FAILURE TO MAINTAIN EVIDENCE OF FINANCIAL
13 RESPONSIBILITY; IMPOUNDMENT OF MOTOR VEHICLE AFTER ACCIDENT OR
14 TRAFFIC VIOLATION

15 Sec. 601.271. DEFINITIONS. In this subchapter:

16 (1) "Owner of a vehicle" and "vehicle storage
17 facility" have the meanings assigned by Section 2303.002,
18 Occupations Code.

19 (2) "Towing company" has the meaning assigned by
20 Section 2308.002, Occupations Code.

21 Sec. 601.272. IMPOUNDMENT OF MOTOR VEHICLE. A peace officer
22 may impound or authorize a towing company to remove and a vehicle
23 storage facility to impound the motor vehicle of a person who the
24 peace officer determines:

1 (1) is involved in a motor vehicle accident or is
2 stopped for an alleged violation of a law that applies to the
3 operation of a motor vehicle on a roadway; and

4 (2) operated the motor vehicle in violation of Section
5 601.051 at the time of the accident or alleged violation described
6 by Subdivision (1).

7 Sec. 601.273. RELEASE OF IMPOUNDED MOTOR VEHICLE. (a) A
8 peace officer who impounds or authorizes the impoundment of a motor
9 vehicle under Section 601.272 shall provide the operator with
10 written instructions describing how the owner or operator of the
11 vehicle may recover the motor vehicle from the law enforcement
12 agency that employs the peace officer or the authorized vehicle
13 storage facility. The failure of a peace officer to provide the
14 written instructions does not affect the authority of the officer,
15 a towing company, or a vehicle storage facility to remove or impound
16 the motor vehicle.

17 (b) The law enforcement agency or authorized vehicle
18 storage facility that impounds a motor vehicle under Section
19 601.272 shall release the vehicle to the owner or operator of the
20 vehicle only if the owner or operator:

21 (1) provides to the law enforcement agency or
22 authorized vehicle storage facility evidence consistent with:

23 (A) Section 601.052, showing that on the date the
24 vehicle was impounded, the motor vehicle was exempt from the
25 requirements of Section 601.051;

26 (B) Section 601.053, showing that on that date
27 the vehicle was in compliance with Section 601.051; or

1 (C) Section 601.053, showing that financial
2 responsibility for the vehicle has been obtained and is valid;

3 (2) provides to the law enforcement agency or
4 authorized vehicle storage facility an unexpired driver's license
5 or other form of identification approved by the Texas Commission of
6 Licensing and Regulation issued to the owner or operator of the
7 vehicle; and

8 (3) pays all fees imposed as authorized under Chapters
9 2303 and 2308, Occupations Code.

10 (c) The law enforcement agency or authorized vehicle
11 storage facility that impounds a motor vehicle under Section
12 601.272 shall release the vehicle to a person who is shown as a
13 lienholder on the vehicle's certificate of title only if the
14 person:

15 (1) provides to the law enforcement agency or
16 authorized vehicle storage facility a statement from an officer of
17 the lienholder establishing that the obligation secured by the
18 vehicle is in default; and

19 (2) pays all associated fees imposed as authorized
20 under Chapters 2303 and 2308, Occupations Code.

21 (d) The law enforcement agency or authorized vehicle
22 storage facility that impounds a motor vehicle under Section
23 601.272 shall release the vehicle if, while the vehicle is
24 impounded:

25 (1) certificate of title to the vehicle is transferred
26 by:

27 (A) foreclosure;

1 (B) sale on execution;

2 (C) cancellation of a conditional sales
3 contract; or

4 (D) judicial order; and

5 (2) all fees imposed as authorized under Chapters 2303
6 and 2308, Occupations Code, are paid.

7 (e) This subsection applies only to an insurance company
8 that provides coverage for a person who may be liable for damage to
9 a motor vehicle that is impounded under Section 601.272. The law
10 enforcement agency or authorized vehicle storage facility that
11 impounded the motor vehicle shall:

12 (1) allow the insurance company to inspect the
13 impounded motor vehicle; and

14 (2) release the impounded motor vehicle to the
15 insurance company if the company:

16 (A) finds that the vehicle is a total loss;

17 (B) pays all fees imposed as authorized under
18 Chapters 2303 and 2308, Occupations Code; and

19 (C) obtains consent for the release from the
20 owner of the vehicle.

21 (f) Article 18.23, Code of Criminal Procedure, does not
22 apply to the impoundment of a motor vehicle under Section 601.272.

23 Sec. 601.274. AUTHORITY OF TEXAS COMMISSION OF LICENSING
24 AND REGULATION. The Texas Commission of Licensing and Regulation
25 may adopt rules necessary to implement this subchapter.

26 Sec. 601.275. PENALTIES CUMULATIVE. Impoundment of a motor
27 vehicle under this subchapter is in addition to any other

1 punishment imposed under this chapter.

2 SECTION 3. The change in law made by this Act applies only
3 to an offense committed on or after the effective date of this Act.
4 An offense committed before the effective date of this Act is
5 governed by the law in effect on the date the offense was committed,
6 and the former law is continued in effect for that purpose. For
7 purposes of this section, an offense was committed before the
8 effective date of this Act if any element of the offense occurred
9 before that date.

10 SECTION 4. This Act takes effect September 1, 2015.